

Vermont Environmental Justice Legislation and the VT Agency of Natural Resources

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How Did the Environmental Justice Movement Arise?



- It was started by individuals, primarily people of color, who sought to address the inequity of environmental protection in their communities.

- Professor Robert Bullard wrote, "whether by conscious design or institutional neglect, communities of color in urban ghettos, in rural 'poverty pockets', or on economically impoverished Native-American reservations face some of the worst environmental devastation in the nation."

How Did the Environmental Justice Movement Arise?

- February 11, 1968. Memphis Sanitation Strike. Action taken against unfair treatment and environmental justice concerns in Memphis, Tennessee. The incident was investigated by Rev. Dr. Martin Luther King, Jr. and was the **first time African Americans mobilized** a national, broad-based group to oppose environmental injustices.
- December 1979. *Bean v Southwestern Waste Management Corp.* and the Formation of Northeast Community Action Group. In Houston, Texas, a group of African American homeowners fought to keep the Whispering Pines Sanitary Landfill from being placed within 1500 feet of a local public school (and within two miles of 6 schools). This class action was **the first** of its kind in the United States that **charged environmental discrimination in waste facility siting** under civil rights laws. While the lawsuit ultimately failed to prevent the construction of the landfill, it sent a clear message for environmental justice cases across the country.
- September 1982. Sit-in Against Warren County, NC PCB Landfill. The **second time African Americans mobilized** a national, broad-based group was a nonviolent sit-in protest against a polychlorinated biphenyl (PCB) landfill. Over 500 environmentalists and civil rights activists were arrested and the protest was unsuccessful in halting construction. This event is widely understood to be the catalyst for the Environmental Justice Movement.
- April 1983. Publication of “Solid Waste Sites and the Houston Black Community”. **First comprehensive account of environmental racism** in the US that identified that African American neighborhoods in Houston were often chosen for toxic waste sites. All five city-owned garbage dumps, 80 percent of city-owned garbage incinerators, and 75 percent of privately owned landfills were sited in black neighborhoods, although African Americans made up only 25 percent of the city's population.

How Did the Environmental Justice Movement Arise?

- June 1983. General Accounting Office Conducts the study “Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities”. This study is said to have "galvanized the environmental justice movement and provided **empirical support for the claims for environmental racism.**"
- 1987. The United Church of Christ Commission on Racial Justice released the study “Toxic Waste in the United States”. Study found that over 15 million African Americans, 8 million Hispanics, and half of all Asian/Pacific Islanders and Native Americans resided in communities with at least one abandoned or uncontrolled toxic waste site and that **race was the most significant factor** among the variables analyzed in identifying a location of hazardous waste sites.
- March 1988. West Harlem Environmental Action was founded. **WE ACT** is New York's first environmental justice organization created to improve environmental and health quality in communities of color.

How Did the Environmental Justice Movement Arise?

October 1991. First National People of Color Environmental Leadership Summit held in Washington, D.C. Several hundred people who identify as Native American, African American, Latino, and Asian Pacific attended and adopted. “17 Principles of Environmental Justice” as a comprehensive platform for a national and international movement of all people.

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
7. Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.
12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.

Act 154. An Act Relating to Environmental Justice in Vermont

Overview

- **Section 1. Findings**
- **Section 2. Adding 3 V.S.A. Chapter 72. Environmental Justice**
 - § 6001. Purpose
 - § 6002. Definitions
 - § 6003. Environmental Justice State Policy
 - § 6004. Implementation of State Policy
 - § 6005. Rulemaking
 - § 6006. EJ Advisory Council and Interagency EJ Committee
 - § 6007. EJ Mapping Tool
- **Section 3. Spending Report**
- **Section 4. Appropriations**
- **Section 5. Effective Date**

Purpose

The purpose of this chapter is to identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents.

Definitions

- **“Environmental justice”** means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.

Definitions

- **“Environmental justice focus population”** means any census block group in which:
 - (A) the annual median household income is not more than 80 percent of the State median household income;
 - (B) Persons of Color and Indigenous Peoples comprise at least six percent or more of the population; or
 - (C) at least one percent or more of households have limited English proficiency.
- **“Limited English proficiency”** means that a household does not have a member 14 years or older who speaks English “very well” as defined by the U.S. Census Bureau.

Definitions

- **“Environmental benefits”** means the assets and services that enhance the capability of communities and individuals to function and flourish in society. Examples of environmental benefits include access to a healthy environment and clean natural resources, including air, water, land, green spaces, constructed playgrounds, and other outdoor recreational facilities and venues; affordable clean renewable energy sources; public transportation; fulfilling and dignified green jobs; healthy homes and buildings; health care; nutritious food; Indigenous food and cultural resources; environmental enforcement; and training and funding disbursed or administered by governmental agencies.

Definitions

- **“Environmental burdens”** means any significant impact to clean air, water, and land, including any destruction, damage, or impairment of natural resources resulting from intentional or reasonably foreseeable causes. Examples of environmental burdens include climate change impacts; air and water pollution; improper sewage disposal; improper handling of solid wastes and other noxious substances; excessive noise; activities that limit access to green spaces, nutritious food, Indigenous food or cultural resources, or constructed outdoor playgrounds and other recreational facilities and venues; inadequate remediation of pollution; reduction of groundwater levels; increased flooding or stormwater flows; home and building health hazards, including lead paint, lead plumbing, asbestos, and mold; and damage to inland waterways and waterbodies, wetlands, forests, green spaces, or constructed playgrounds or other outdoor recreational facilities and venues from private, industrial, commercial, and government operations or other activities that contaminate or alter the quality of the environment and pose a risk to public health.

Definitions

- **“Meaningful participation”** means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.

EJ State Policy

It is the policy of the State of Vermont that no segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits. It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.

Covered Agencies

1. Agency of Natural Resources
2. Agency of Transportation
3. Agency of Commerce and Community Development
4. Agency of Agriculture
5. Agency of Education
6. Public Utility Commission
7. Natural Resources Board
8. Department of Health
9. Department of Public Safety
10. Department of Public Service

(These 10 and the Executive Director of Racial Equity also make up the EJ Interagency Committee)

Implementation of EJ State Policy

1

Create and Adopt
Community
Engagement Plans

2

Direct Investments
with Environmental
Benefits
Proportionately to
Environmental Justice
Focus Populations

3

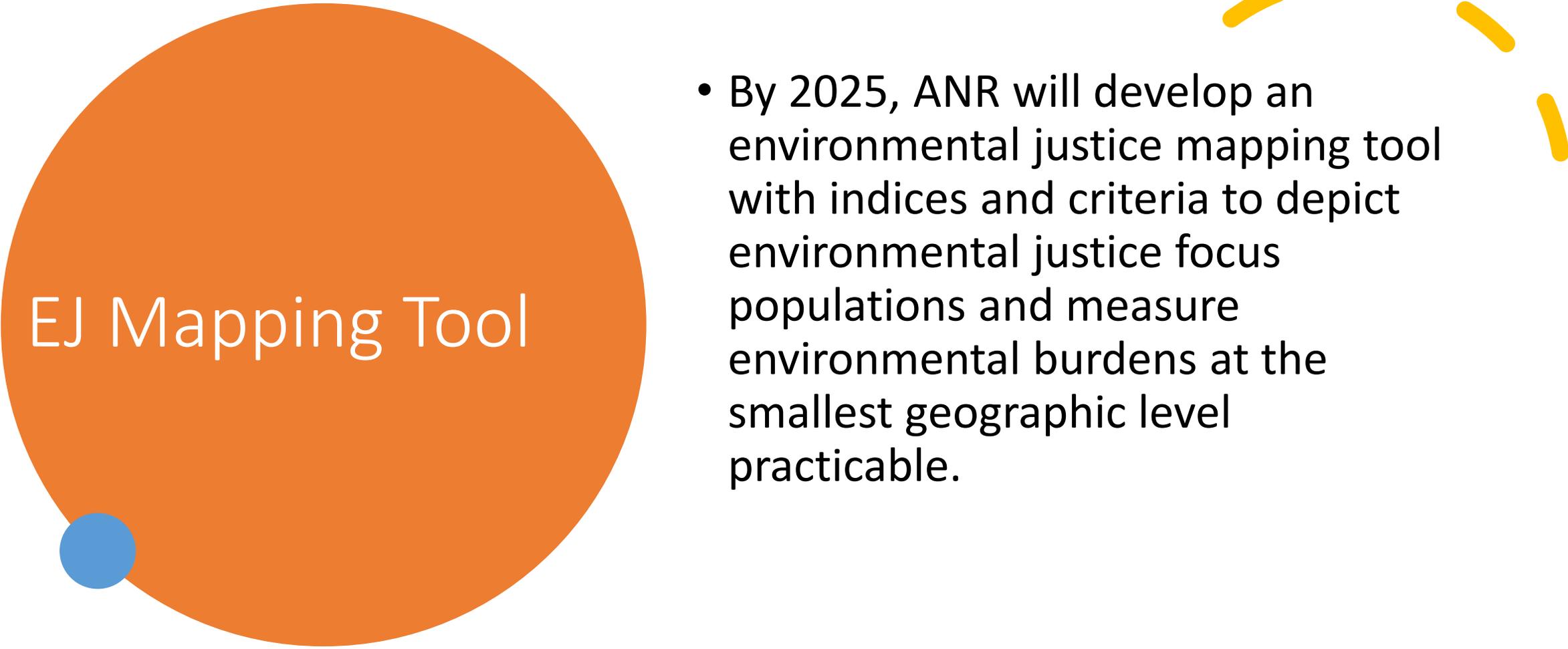
Consider Cumulative
Environmental Burdens
and Access to
Environmental Benefits
When Making
Decisions

Guidance & Rulemaking

- The Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall
- **issue guidance** on how the covered agencies shall determine which investments provide environmental benefits to environmental justice focus populations
- **adopt rules** to:
 - (1) define cumulative environmental burdens;
 - (2) implement consideration of cumulative environmental burdens within the Agency of Natural Resources; and
 - (3) inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool.

EJ Advisory Council & Interagency Committee

- The **Environmental Justice Advisory Council** (11 members) will provide independent advice and recommendations to State agencies and the General Assembly on matters relating to environmental justice, including the integration of environmental justice principles into State programs, policies, regulations, legislation, and activities.
- The **Interagency Environmental Justice Committee** (11 members) will guide and coordinate State agency implementation of the Environmental Justice State Policy and provide recommendations to the General Assembly for amending the definitions and protections set forth in this chapter.
- Both the **Advisory Council** and the **Interagency Committee** shall consider and incorporate the **Guiding Principles for a Just Transition developed by the Just Transitions Subcommittee of the Vermont Climate Council** in their work.



EJ Mapping Tool

- By 2025, ANR will develop an environmental justice mapping tool with indices and criteria to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable.

Federal Civil Rights and Nondiscrimination Laws

<u>Title VI of the Civil Rights Act of 1964</u>	Prohibits intentional and unintentional discrimination in the administration of federally funded programs on the grounds of race, color, or national origin (including limited English proficiency).
<u>Education Act Amendments of 1972, Title IX</u>	Prohibits discrimination based on sex in education programs or activities that receive federal financial assistance.
<u>Federal Water Pollution Control Act of 1972, Sec. 13</u>	Contains a nondiscrimination provision that prohibits discrimination based on sex in any programs that receive federal assistance under the Federal Water Pollution Control Act or the Environmental Financing Act.
<u>Rehabilitation Act of 1973, Section 504</u>	Prohibits discrimination based on disability in programs that receive federal financial assistance.
<u>Age Discrimination Act of 1975</u>	Prohibits discrimination based on age in programs or activities that receive federal financial assistance.
<u>The Civil Rights Restoration Act of 1987</u>	Clarifies that recipients of federal funds must comply with federal civil rights laws across the institution, not solely the program receiving federal funds.
<u>Americans with Disabilities Act of 1990 & as amended (2008)</u>	Requires that meetings and hearings be held in ADA-compliant buildings. Reasonable accommodations must be made as necessary to assist those with disabilities to participate in meetings, planning, and programming activities.

ANR Preparatory Work Civil Rights and EJ

- Notice of Nondiscrimination
- Nondiscrimination Coordinator
- Language Access Plan & Pilot Language Access Program with DEC EEO and DFW Warden Service
- Grievance Procedure and Investigation Manual
- Accessible Website
- Staff Training Series
- Data Gathering
- Mapping
- ANR Public Participation Plan
 - DEC Public Engagement Contract

ANR Notice of Nondiscrimination

“The Vermont Agency of Natural Resources (ANR) operates its programs, services, and activities without discriminating on the basis of race, religion, creed, color, national origin (including limited English proficiency), ancestry, place of birth, disability, age, marital status, sex, sexual orientation, gender identity, or breastfeeding (mother and child). We will not tolerate discrimination, intimidation, threats, coercion, or retaliation against any individual or group because they have exercised their rights protected by federal or state law.”

Language Access Policy

Meaningful Engagement

It is the policy of ANR to provide persons with **LEP** meaningful access to its programs, services, and activities. Ensuring meaningful access means providing accurate, timely, and effective language services that are free of charge.

It is also the policy of ANR to provide effective communication access to persons who are **deaf, hard of hearing, blind, deaf/blind, or have other communications needs**. ANR will provide effective communication at **no cost** and in a timely manner to allow an equal opportunity to participate in ANR programs, services, and activities. ANR will provide effective communication in such a way as to protect the privacy and independence of the individual. Provisions for effective communication could include appropriate auxiliary aids and services.

ANR Language Access Plan

Meaningful Engagement

- Meaningful access to programs, services, and activities for persons with communications needs.
- Contains the policy and implementation elements
- Services provided to persons with limited English proficiency (LEP) and with varying levels of hearing, sight,, speech loss and other communication needs.
- Contains six implementation elements
 - (a) staff assessment,
 - (b) identification of persons in need of language access
 - (c) ways in which language access will be provided
 - (d) training of staff and subrecipients (grant and contract recipients or awardees),
 - (e) public notice, and
 - (f) monitoring for plan updates.



VERMONT
AGENCY OF NATURAL RESOURCES

The Vermont Agency of Natural Resources is committed to ensuring meaningful public participation of all people. This card will assist people with limited English proficiency to identify their languages in order to better communicate with ANR staff.

I SPEAK...

Arabic		العربية
Bosnian		Bosanski
Burmese (Myanmar)		ဗမာ (မြန်မာ)
Croatian		Hrvatski
French		français
German		Deutsch
Haitian Creole		Kreyòl Ayisyen
Hindi		हिंदी
Japanese		日本語
Mandarin		國語
Nepalese		नेपाली
Russian		Русский
Serbian		Srpski
Somali		Soomaali
Spanish		Español
Swahili		Kiswahili
Tagalog		Tagalog
Vietnamese		Tiếng Việt

How to use this card:

1. During an in-person interaction, show the card to the individual and ask them to point to the language they speak.
2. Select one of the vendors below.
3. Identify your department by providing the codes found below.
4. Say the language you need.
5. You will be connected with a certified interpreter.
6. Keep a record of your interaction that includes date, time, and language spoken.

Vendor Name: Telelanguage (State Contract #41101)

- Dial 1-888-877-8353
- Say or enter your department's access code:
 - Fish & Wildlife: 48575
 - Forests, Parks, & Recreation: 82570
 - Dept. of Environmental Conservation: 48414

Vendor Name: Worldwide Interpreters, Inc. (State Contract #41390)

- Dial 1-800-207-1424
- Enter your department's password or PIN:
 - Fish & Wildlife: 34186
 - Forests, Parks, & Recreation: 69134
 - Dept. of Environmental Conservation: 56327

Vendor Name: Language Link (State Contract #41373)

- Dial 1-877-983-7466
- Enter your department's account code:
 - Fish and Wildlife: 29698
 - Forests, Parks, & Recreation:
 - Dept. of Environmental Conservation: 29326

For more information about ANR's language access program, including American Sign Language interpretation services, contact us during normal business hours at:

Accessibility@vermont.gov
Phone number 802-828-1294
Vermont Agency of Natural Resources
1 National Drive Montpelier, VT 05620-3901
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Agency of Natural Resources (ANR) Contacts

- **Karla Raimundi** is the central point of contact for Agency of Natural Resources on Environmental Justice and Civil Rights. You can email her at **karla.raimundi@vermont.gov**.
- **Carey Hengstenberg** will continue to be the point of contact for the Department of Environmental Conservation on Environmental Justice. You can email her at **carey.hengstenberg@vermont.gov**.
- **Nicole Meier** is the point of contact for Department of Fish and Wildlife and Civil Rights and Environmental Justice Liaison. You can email her at **nicole.meier@vermont.gov**.
- **Agnes Barsalow** is the point of contact of the Department of Forests, Parks and Recreation and Civil Rights and Environmental Justice Liaison. You can email her at **agnes.barsalow@vermont.gov**.